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TAGS: [UNSC](#) [LE](#) [PREL](#) [PGOV](#) [PTER](#)  
SUBJECT: NEXT STEPS ON HARIRI TRIBUNAL

REF: BEIRUT 552

Classified By: Assistant Secretary Kristen Silverberg,  
for reasons 1.4 (b) and (d).

11. (U) This is an action request, see paras 2, 3, 4, and 5. Department is preparing a draft text for a Chapter VII resolution that could be used to bring the Special Tribunal for Lebanon into force, which we will forward to USUN early in the week of April 23. Because of the need to move forward quickly, Department requests that USUN arrange meetings with UN OLA and the P3 during the week of April 23 and demarche OLA's Michel before he briefs the Security Council on his trip to Beirut.

12. (C) Department requests USUN met with UN OLA's Nicolas Michel before he briefs the UN Security Council on his trip to Beirut:

-- Solicit a readout of Michel's trip to Beirut.

-- Urge Michel to specifically note, during his briefing to the Council on his Beirut trip, the support within the Lebanese government and Parliament for the establishment of the Tribunal, the refusal of the Speaker to convene Parliament, and the fact that the establishment of the Tribunal via normal Lebanese processes has reached an impasse due to the opposition's unwillingness to even reveal its position on the court much less negotiate a settlement. (Note: See Reftel for a readout of Michel's debrief with Embassy Beirut. End Note).

13. (C) Department requests USUN set up a meeting on April 25 with OLA and representatives from L and IO to discuss the Tribunal agreement and statute on a line-by-line basis, focusing on any modifications in the substance of the agreement that may be needed if the Tribunal is brought into existence via a Chapter VII resolution rather than, as originally contemplated, an agreement between the UN and the GOL. (Note: OLA should prepare for a lengthy meeting to ensure time to cover all aspects of the issue. End Note.)

14. (C) USUN is also requested to explore with and encourage OLA to invite the Lebanese judges to New York for consultations next Wednesday (April 25) and/or Thursday (April 26). This would also present an opportunity for L and IO representatives to meet with the judges to go through details of any changes that might be necessary to previous texts in light of fact that the Tribunal would be brought into existence via a Chapter VII resolution rather than through a UN-GOL agreement.

15. (C) Department requests that USUN meet with the P-3 early in the week of April 23 to discuss timing and strategies for introducing a Chapter VII resolution, specifically:

-- When to introduce the resolution to the entire Council

(for example, after the Secretary General returns from Syria).

-- Whether to have a short negotiation period (as was the case with UNSC resolution 1559) or a longer negotiation period.

-- Whether to do a line-in/line-out re-write of the Tribunal statute and agreement (and have the re-written statute attached as an annex to the resolution) or whether to utilize the existing statute and tribunal that OLA developed with the Lebanese, subject to the minimal number of changes that are identified as necessary in the resolution.

-- Whether the resolution should contain language to compel cooperation with the Tribunal under Chapter VII by Syria and/or other states;

-- Whether the resolution should be written so as to trump otherwise applicable immunities and, if so, the form in which this should be done as well as tactical considerations for dealing with these issues in the Council.

-- Strategy on dealing with Russia, South Africa, Qatar, and Indonesia. Department would appreciate feedback on the types of arguments these countries are likely to make.

L representatives would be prepared to attend the meeting if USUN would find it helpful.  
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